

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Boumaza et al.
Serial No. : 10/588,119
International Serial No. : PCT/FR2005/000375
International Filing Date : February 17, 2005
Priority Date : February 17, 2004
Docket No. : RFR0146
Title : METAL AND PLASTIC COMPOSITE STRUCTURE, IN
PARTICULAR FOR THE FRONT FACE OF A MOTOR
VEHICLE

SECOND DECLARATION ESTABLISHING FACTS
IN ACCORDANCE WITH 37 CFR §1.47(a)

MAILSTOP: PCT LEGAL ADMINISTRATION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, David M. LaPrairie, make the following declaration from my personal knowledge and under the penalty of perjury.

1. I am a citizen of the United States of America.
2. I am a patent attorney, Registration No. 46,295, at Howard & Howard Attorneys, P.C. of Bloomfield Hills, MI.
3. I represent Valeo Systemes Thermiques, a corporation, (hereinafter "Valeo") of La Verriere, France.
4. François Boumaza (hereinafter "Mr. Boumaza") was employed by Valeo to invent new technology for Valeo, including the subject matter of this application (U.S. Application No. 10/588,119).

5. On August 13, 2007, I prepared a first priority letter to be sent to Mr. Boumaza. This letter explained to Mr. Boumaza his interest in signing a Declaration/Power of Attorney, and requested that Mr. Boumaza review the nonprovisional application and sign the Declaration/Power of Attorney with the nonprovisional application declaring that he was an inventor. In this letter, I supplied Mr. Boumaza with all of my contact information (address, email, and phone) in the event he had any questions.

6. On August 13, 2007, the first priority letter and another copy of the entire nonprovisional application (in both English and French languages), along with a Declaration/Power of Attorney, and a prepaid return envelope, were forwarded via Federal Express (FedEx) by my assistant, Sandra Barry, to Mr. Boumaza's last known address at the time (Mr. Boumaza's home address) at 19 Rue Sextius Michel 75015 Paris, France. FedEx was used because this address was an international address.

7. On September 14, 2007, Mr. Boumaza received and signed for the first priority letter.

8. As of September 26, 2007, Mr. Boumaza still had not executed the Declaration/Power of Attorney for Valeo, and had not contacted me to further discuss this matter.

9. Accordingly, on September 26, 2007, I filed a Petition Under 37 CFR 1.47(a), on behalf of the Applicants, due to Mr. Boumaza refusing to sign the Declaration/Power of Attorney.

10. On November 2, 2007, the Applicants received a Decision on Applicants' Petition Under 37 CFR 1.47(a), which was mailed on October 31, 2007. In the Decision, the Legal Examiner stated, *inter alia*, that follow-up to the first priority letter signed for by Mr. Boumaza on September 14, 2007, was required to establish a refusal to sign, which could be demonstrated either by letter or phone.

11. As of November 14, 2007, Mr. Boumaza still had not executed the Declaration/Power of Attorney for Valeo, and had not contacted me to further discuss this matter.

12. Therefore, on November 14, 2007, to follow-up with Mr. Boumaza regarding the first priority letter he signed for on September 14, 2007 and also to comply with the additional requirements established by the Legal Examiner, I prepared a second priority letter to be sent to Mr. Boumaza. This letter explained to Mr. Boumaza the contents of the first priority letter, and once again explained his interest in signing the Declaration/Power of Attorney. Further, I requested for Mr. Boumaza to please return the signed Declaration/Power of Attorney no later than December 12th, 2007, in a prepaid return envelope, which was provided. I also gave Mr. Boumaza the option to return the Declaration/Power of Attorney unsigned in the prepaid return envelope, if he chose to do so. In this letter, I once again supplied Mr. Boumaza with all of my contact information (address, email, and phone) in the event he had any questions (See Exhibit A).


13. On November 14, 2007, the second priority letter, the Declaration/Power of Attorney, and the prepaid return envelope, were forwarded via FedEx by my assistant, Sandra Barry, to Mr. Boumaza's last known address at the time at 6AL Des Haras 77185, Lognes, France.

14. On November 16, 2007, Mr. Boumaza received and signed for the second priority letter (see Exhibits B and C).

15. To date, and well after the requested December 12th return date, Mr. Boumaza has not returned the prepaid return envelope or the Declaration/Power of Attorney (signed or unsigned). In addition, Mr. Boumaza has not contacted me to further discuss this matter or with any questions as I specifically provided for in my second priority letter (See Exhibit A).

16. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information are believed to be true, and further that these statements were made with the knowledge that willful and false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

Dated: December 20, 2007


David M. LaPrairie

Attachments: Exhibits A, B, & C.

Howard & Howard

law for business

direct dial: 248.723.0442

David M. LaPrairie

email: DML@h2law.com

November 14, 2007

Via Federal Express

Monsieur François BOUMAZA
6AL Des Haras, 77185 Lognes
75015 PARIS
FRANCE

Ref. No.: RFR0146 (065480.00006)

Objet: Signature de pouvoir

Monsieur,

Again, please forgive the fact that this letter is in English. I recognize that this is inconvenient for you and appreciate your understanding in this regard.

On the morning of September 14th, 2007, you signed for a Priority Envelope from Federal Express having the tracking number 799691971003. The priority envelope contained a letter dated August 13, 2007, a Declaration/Power of Attorney (DEC/POA), and copies of the patent application entitled "STRUCTURE COMPOSITE EN METAL ET MATIERE PLASTIQUE, EN PARTICULIER POUR UNE FACE AVANT DE VEHICULE AUTOMOBILE", in both the English and French languages.

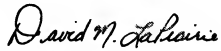
The aforementioned letter described the importance of the DEC/POA. Specifically, the DEC/POA identifies and acknowledges that you are in fact an inventor. Therefore, because along with Jean-Louis LANARD and Jean-Nicolas GUYOMARD, you invented this concept, we once again request that you sign the DEC/POA and put your name next to the fact that you are indeed an inventor.

For your convenience, we are providing another copy of the DEC/POA and a return envelope with postage prepaid. We again apologize for the short timing, but we must have your signed DEC/POA returned no later than December 12, 2007. Otherwise, the patent application for your invention may go abandoned. If you choose not to assist us in this endeavor by not signing the DEC/POA, then please just return the unsigned DEC/POA in the return envelope with postage prepaid.

Again, we appreciate your cooperation in this matter. Please contact me in the United States at (248) 723-0442 or at dml@h2law.com if you have any questions.

Monsieur François BOUMAZA
November 14, 2007
Page 2 of 2

Yours very truly,
Howard & Howard Attorneys PC

A handwritten signature in black ink, reading "David M. LaPrairie". The signature is written in a cursive style with a large, stylized "D" and "L".

David M. LaPrairie

DML:slb
Cc: Jean-Christophe Rolland
Gwenaelle Lavarec-Drapeau

Enc. Declaration/Power of Attorney

Track Shipments/FedEx Kinko's Orders
Detailed Results

Tracking number	799222089363	Reference	065480.00006
Signed for by	.BOUMAZA	Destination	PARIS FR
Ship date	Nov 14, 2007	Delivered to	Residence
Delivery date	Nov 16, 2007 9:03 AM	Service type	Priority Envelope
		Weight	1.0 lbs.

Status	Delivered
Signature image available	Yes

Date/Time	Activity	Location	Details
Nov 16, 2007	9:03 AM Delivered	PARIS FR	
	7:23 AM On FedEx vehicle for delivery	LE MESNIL AMELOT FR	
	5:32 AM At local FedEx facility	LE MESNIL AMELOT FR	
Nov 15, 2007	11:28 PM Departed FedEx location	PARIS FR	
	6:15 PM Arrived at FedEx location	PARIS FR	
	6:15 PM Int'l shipment release	PARIS FR	
	2:54 AM Departed FedEx location	NEWARK, NJ	
	1:54 AM In transit	NEWARK, NJ	
Nov 14, 2007	1:53 AM Arrived at FedEx location	NEWARK, NJ	
	8:36 PM Left origin	AUBURN HILLS, MI	
	5:38 PM Picked up	AUBURN HILLS, MI	
	12:09 PM Package data transmitted to FedEx		

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Add personal message:

Not available for Wireless or non-English characters.

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Exhibit C



FedEx Express
Customer Support Trace
3875 Airways Boulevard
Module H, 4th Floor
Memphis, TN 38116

U.S. Mail: PO Box 727
Memphis, TN 38194-4643
Telephone: 901-369-3600

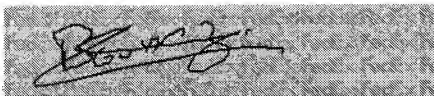
November 25, 2007

Dear Customer:

The following is the proof of delivery you requested with the tracking number **799222089363**.

Delivery Information:

Status:	Delivered	Delivery location:	PARIS
Signed for by:	.BOUMAZA	Delivery date:	Nov 16, 2007 09:03
Service type:	Priority Envelope		



Shipping Information:

Tracking number:	799222089363	Ship date:	Nov 14, 2007
		Weight:	1.0 lbs.

Recipient:
PARIS FR

Shipper:
BLOOMFIELD HILLS, MI US

Reference

065480.00006

Thank you for choosing FedEx Express.

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